

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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SALLY D. VILLAVERDE,

Case No. 3:10-cv-00347-MMD-WGC

Petitioner,

ORDER

v.

GREG SMITH, *et al.*,

Respondents.

This represented habeas matter is before the Court on petitioner's unopposed motion to dismiss unexhausted grounds. (Dkt. no. 62.) Good cause appearing, petitioner's motion is granted. The following unexhausted grounds in the amended petition (dkt. no. 29) are dismissed: ground 1 to the extent that it alleges that Teresa Gamboa's testimony was unreliable because it was presented at a preliminary hearing rather than at trial with the higher burden of proof applicable at trial; ground 3; and ground 4. Respondents shall therefore file an answer to the remaining grounds: ground 1 (except the portion dismissed above) and ground 2 (dkt. no. 29).

It is therefore ordered that petitioner's motion to dismiss unexhausted grounds (dkt. no. 62) is granted.

It is further ordered that, within forty-five (45) days of the date of this order, respondents shall file and serve their answer to the remaining grounds in the amended petition (dkt. no. 29).

It is further ordered that, petitioner, through counsel, shall have thirty (30) days after service of the answer to file and serve a reply.

1 It is further ordered that any additional state court record exhibits filed by the
2 parties herein shall be filed with an index of exhibits identifying the exhibits by number
3 or letter. The CM/ECF attachments that are filed shall further be identified by the
4 number or numbers (or letter or letters) of the exhibits in the attachment.

5 It is further ordered that the parties shall send courtesy copies of all exhibits
6 presented in support of the amended petition and the response to the amended petition
7 to the Reno Division of this Court. While the Local Rules provide that parties should
8 send paper courtesy copies of filings over fifty pages, in this instance, courtesy copies
9 may be in paper form or as PDF documents saved to a CD — so long as each PDF is
10 clearly identified by exhibit number. Courtesy copies shall be provided to the Clerk of
11 Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention of “Staff
12 Attorney” on the outside of the address label. Additionally, in the future, all parties shall
13 provide courtesy copies of any additional exhibits submitted to the Court in this case, in
14 the manner described above.

15 DATED THIS 2nd day of June 2015.



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17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
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